

ESTTA Tracking number: **ESTTA442974**

Filing date: **11/23/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052197
Party	Defendant Supercar Collectibles Limited
Correspondence Address	ROBERT D BUYAN STOUT UXA BUYAN & MULLINS LLP 4 VENTURE STE 300 IRVINE, CA 92618 UNITED STATES rbuyan@patlawyers.com
Submission	Testimony For Defendant
Filer's Name	Robert D. Buyan
Filer's e-mail	rbuyan@patlawyers.com
Signature	/Robert D. Buyan/
Date	11/23/2011
Attachments	GMCIN-08M-RX80-83.pdf (14 pages)(1004509 bytes)

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Serial Number: 75165573 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



(words only): YENKO

Standard Character claim: No

Current Status: Abandoned because no Statement of Use or Extension Request timely filed after Notice of Allowance was issued. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 1998-09-04

Filing Date: 1996-09-13

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1998-10-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

EXHIBIT Pff. 80
Defl. 3 For Identification Page(s)
Consisting of 3
Witness Leonard
Date 10.25.11
Tami Le, CSR 8716

1. HETH, DAVID G.

Address:

HETH, DAVID G.
2525 Players Court - Suite 2005
Dallas, TX 75287
United States

Legal Entity Type: Individual**Country of Citizenship:** United States

GOODS AND/OR SERVICES

International Class: 012**Class Status:** Abandoned

automobiles

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Design Search Code(s):**01.01.03** - Star - a single star with five points**01.01.10** - Stars, three or more; Three or more stars**24.01.03** - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

1998-10-22 - Abandonment - No use statement filed

1998-03-03 - NOA Mailed - SOU Required From Applicant

1997-12-09 - Published for opposition

1997-11-07 - Notice of publication

1997-09-25 - Approved For Pub - Principal Register

1997-09-25 - Previous Allowance Count Withdrawn

80.2

1997-08-29 - Approved For Pub - Principal Register
1997-07-14 - Communication received from applicant
1997-03-26 - Non-final action mailed
1997-03-07 - Assigned To Examiner
1997-03-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

DEAN P EDMUNDSON

Correspondent

DEAN P EDMUNDSON
1136 E STUART ST STE 2160
FORT COLLINS CO 80525

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-08-23 15:37:14 ET

Serial Number: 75165572 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



(words only): YENKO

Standard Character claim: No

Current Status: Abandoned because no Statement of Use or Extension Request timely filed after Notice of Allowance was issued. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 1998-07-01

Filing Date: 1996-09-13

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1998-07-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

EXHIBIT PH. 81
Deft. 3 For Identification Page(s)
Consisting of Leonard
Witness 10-25-11
Date 10-25-11
Tami Le, CSR 8716

1. HETH, DAVID G

Address:

HETH, DAVID G
2525 Players Court - Suite 2005
Dallas, TX 75287
United States

Legal Entity Type: Individual**Country of Citizenship:** United States

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Abandoned

cooperative advertising and marketing in the telephone, gasoline and bank debit and credit card industries

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Design Search Code(s):

01.01.03 - Star - a single star with five points

24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

1998-07-01 - Abandonment - No use statement filed

1997-12-30 - NOA Mailed - SOU Required From Applicant

1997-10-07 - Published for opposition

1997-09-05 - Notice of publication

1997-08-03 - Approved For Pub - Principal Register

1997-07-29 - Examiner's amendment mailed

81-2

1997-03-13 - Non-final action mailed

1997-02-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

DEAN P EDMUNDSON

Correspondent

DEAN P EDMUNDSON

1136 E STUART ST STE 2160

FORT COLLINS CO 80525

FILED

ORANGE COUNTY SUPERIOR COURT

APR 22 1998

ALAN SLATER, Executive Officer/ Clerk

BY B. HELMICK

1 Hugh T. Verano, Jr., Esq.
 2 State Bar No. 102013
 3 VERANO & VERANO,
 4 A Professional Law Corporation
 5 108 Pacifica, Suite 310
 6 Irvine, California 92618-3332
 7 Tel.: (714) 753-1747
 8 Fax.: (714) 753-1742

9 Attorneys for Plaintiff,
 10 CLASSIC CAMARO, INC., a
 11 California corporation, d/b/a
 12 CLASSIC INDUSTRIES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

13 CLASSIC CAMARO, INC., a California)
 14 corporation, d/b/a CLASSIC)
 15 INDUSTRIES)

CASE NO. 778892

~~PROPOSED~~ JUDGMENT AFTER BENCH
 TRIAL

Plaintiff,

v.

16 1968 YENKO COPO CAMARO)
 17 SWEEPSTAKES, a California general)
 18 partnership, DAVID G. HETH, and)
 19 DOES 1-50, inclusive,)

TRIAL DATE: March 30, 1998
 DEPT.: 3

Defendants.

20
 21
 22 This action came regularly for trial on March 30, 1998 in
 23 Department 3 of the Superior Court, the Honorable Judge Thomas N.
 24 Thrasher, presiding. Hugh T. Verano, Jr. appeared as attorney for
 25 Plaintiff, Classic Camaro, Inc., and Richard E. Bee appeared as
 26 attorney for Defendant David G. Heth. A jury trial was waived. The
 27 Court heard and considered the testimony, the documentary evidence,
 28 the accounting and the argument of counsel. The matter having been

JCOB

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APR 02 1998

ALAN SLATER, Executive Officer/ Clerk

1 submitted for decision, and a statement of decision not having been
2 requested,


3 IT IS ADJUDGED THAT:

4 1. The joint venture known as Yenko COPO Camaro Sweepstakes is
5 hereby dissolved,

6 2. Plaintiff Classic Camaro, Inc., recover judgment on the
7 merits against Defendant David G. Heth, in the amount of \$45,948.86,
8 with interest at an annual rate of ten percent (10%) from the date of
9 entry of this judgment until paid; and

10 3. Plaintiff Classic Camaro, Inc. recover against Defendant
11 David G. Heth costs in the amount of _____.

12 Dated: APR 22 1998, 1998

13 
14 JUDGE OF THE SUPERIOR COURT

15 THOMAS N. THRASHER, SR.
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1 PROOF OF SERVICE

2 [C.C.P. §1013A(3)]

3 I am a citizen of the United States and am employed in the
4 County of Orange, State of California. I am over the age of 18 and
5 not a party to the within action. My business address is that of
6 Verano & Verano, A Professional Law Corporation, 108 Pacifica, Suite
7 310, Irvine, California 92618-3332.

8 On March 31, 1998, I served the foregoing [PROPOSED] JUDGMENT
9 AFTER BENCH TRIAL, on all parties in this action by placing [X] a
10 true copy [] the original thereof enclosed in a sealed envelope,
11 addressed as follows:

12 Richard E. Bee, Esq.
13 311 Walnut Street
14 Costa Mesa, CA 92627

15 _____ (By FACSIMILE) I caused above-referenced document(s) to be
16 FAX'D to the addressee at the following FAX #:

17 _____ (By Mail) I am "readily familiar" with the firm's practice
18 of collection and processing correspondence for mailing.
19 Under that practice it would be deposited with the U.S.
20 Postal Service on the same day with postage thereon fully
21 prepaid in Irvine, California in the ordinary course of
22 business. I am aware that on motion of the party served,
23 service is presumed invalid if postal cancellation date or
24 postage meter date is more than one day after date of
25 deposit for mailing in affidavit.

26 X (By Personal Service) I caused such envelope to be hand-
27 delivered to the addressee, or to their office(s).

28 _____ (By Overnight Mail) by sealing the envelope and placing it
for collection and mailing with Express Mail postage fully
prepaid in accordance with ordinary business practices.

29 STATE

30 X I declare under penalty of perjury under the laws of the
31 State of California that the above is true and correct.

32 FEDERAL

33 _____ I declare that I am employed in the office of a member of
34 the Bar of this Court, at whose direction the service was
35 made.

36 Executed on March 31, 1998, at Irvine, California.

37 
38 BETTY MARTIN

I hereby certify the foregoing instrument consisting of 3 page(s)
is a true and correct copy of the original on file in this court.

SEP 08 2011



ATTEST (DATE) _____
ALAN CARLSON, EXECUTIVE OFFICER AND CLERK OF THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY Eugene Shvetsky, DEPUTY

EUGENE SHVETSKY

1 PROOF OF SERVICE

2 [C.C.P. §1013A(3)]

3 I am a citizen of the United States and am employed in the
4 County of Orange, State of California. I am over the age of 18 and
5 not a party to the within action. My business address is that of
6 Verano & Verano, A Professional Law Corporation, 108 Pacifica, Suite
7 310, Irvine, California 92618-3332.

8 On March 31, 1998, I served the foregoing [PROPOSED] JUDGMENT
9 AFTER BENCH TRIAL, on all parties in this action by placing [X] a
10 true copy [] the original thereof enclosed in a sealed envelope,
11 addressed as follows:

12 Richard E. Bee, Esq.
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14 Costa Mesa, CA 92627

15 _____ (By FACSIMILE) I caused above-referenced document(s) to be
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17 _____ (By Mail) I am "readily familiar" with the firm's practice
18 of collection and processing correspondence for mailing.
19 Under that practice it would be deposited with the U.S.
20 Postal Service on the same day with postage thereon fully
21 prepaid in Irvine, California in the ordinary course of
22 business. I am aware that on motion of the party served,
23 service is presumed invalid if postal cancellation date or
24 postage meter date is more than one day after date of
25 deposit for mailing in affidavit.

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27 delivered to the addressee, or to their office(s).

28 _____ (By Overnight Mail) by sealing the envelope and placing it
for collection and mailing with Express Mail postage fully
prepaid in accordance with ordinary business practices.

29 STATE

30 x I declare under penalty of perjury under the laws of the
31 State of California that the above is true and correct.

32 FEDERAL

33 _____ I declare that I am employed in the office of a member of
34 the Bar of this Court, at whose direction the service was
35 made.

36 Executed on March 31, 1998, at Irvine, California.

37 Betty Martin
38 BETTY MARTIN

Yenko Usage 1984-2011

Catalog	Year	Page #	Item #	Description	Earliest Recorded Sale	Qty To Date	Supercedes
Camaro	1984	16	927488	Yenko "396" Emblem	1/2/1991	659	G8183
Camaro	1984	16	G8183	Yenko "396" Emblem	1/28/1997	732	3927488
Camaro	1984	16	3927488	Yenko "396" Emblem	12/22/2005	886	
Camaro	1985	17	DC-476	"Yenko" Shield Decal			DC425
Camaro	1991	62	DC425	"Yenko" Shield Decal	1/16/1991	1975	
Camaro	1984	17	DC-475	"Yenko Tuned" Decal			DC421
Camaro	1989	53	DC421	"Yenko Tuned" Decal	1/16/1991	1811	
Camaro	1987	43	K-80013	Yenko Fender Emblem			K80013
Camaro	1989	49	K80013	Yenko Fender Emblem	12/20/1991	2926	
Camaro	1991	62	DC732	"Yenko/SC" Fan Shroud Decal	1/16/1991	1305	
Camaro	1991	65	SK301	69 Camaro "Yenko" Stripe Kit	7/6/1992	290	
Camaro	1991	65	SK310	69 Camaro "Yenko" Stripe Kit	2/24/1992	411	
Camaro	1991	149	T82283	8 Cyl Motor Mount Yenko	8/22/1991	4113	
Camaro	1991	197	7132	427 Yenko Camaro Model Kit	6/25/1991	146	
Camaro	1991	199	P673	69 Yenko Camaro Poster	8/19/1991	65	
Camaro	1991	64	DD9	Front Coil Spring Decals	9/6/1991	38	
Camaro	1994	76	P600	Climbing To The Top Poster	1/8/1991	289	
Camaro	1994	276	KW260	69 Cowl Air Cleaner	4/11/1990	223	
Camaro	1994	279	C689	69 Air Cleaner System	2/4/1991	282	
Camaro	1995	115	TSY011L	69 Yenko Camaro T-Shirt	6/20/1995	377	
Camaro	1995	168	K678	Yenko 427 Emblem Fender	6/12/1995	4172	
Camaro	1997	4	COPO1	Yenko Phone Card Series 1	1/30/1997	345	
Camaro	1997	4	COPO2	Yenko Phone Card Series 2	1/30/1997	92	
Camaro	1997	4	COPO3	Yenko Phone Card Series 3	1/30/1997	87	
Camaro	1997	144	YC102	Yenko Cap White	7/5/1996	65	
Camaro	1997	144	YC112	Yenko Cap Black	8/16/1996	116	
Camaro	1997	144	YLP1	Yenko License Plate	12/1/1995	206	Y5001
Camaro	2008	250	Y5001	Yenko License Plate	12/17/2007	142	
Camaro	1997	144	YLP2	Yenko License Frame	3/28/1997	424	Y5002
Camaro	2008	253	Y5002	Yenko License Frame	11/13/2007	286	
Nova	1993	36	DC700	Yenko Deuce Decal	4/15/1993	210	
Camaro	1997	145	TSY010	Yenko Shield T	12/30/1996	419	
Camaro	1997	145	TP310	Yenko Polo Shirt White	4/23/1997	15	
Camaro	1997	145	TP301	Yenko Polo Shirt Black	5/29/1998	13	
Camaro	1997	145	TP302	Yenko Polo Shirt Red	4/2/1997	12	
Camaro	1997	145	TP510	Yenko Crest Sweatshirt	n/a	0	
Camaro	1997	145	TP610	Yenko Camaro Sweathshirt	3/28/1997	23	
Camaro	1997	145	TSY015	69 Yenko/SC 427 T-Shirt	9/10/1996	144	
Camaro	1997	335	K966	68 Yenko Camaro Hood	12/3/1997	173	

EXHIBIT PLE 83
 Def. 3 For Identification
 Consisting of 3 Page(s)
 Witness Leonard
 Date 10-25-11
 Tami Le, CSR 8716

Yenko Usage 1984-2011

Camaro	1997	335	PT19383	Yenko Hood Prop	2/10/1994	205	3965713
Camaro	1997	335	3965713	Yenko Hood Prop	4/12/2001	354	
Camaro	2003	212	MM301	Yenko Slot Car - Black	8/22/2000	40	
Camaro	2003	212	MM302	Yenko Slot Car - Red	7/7/2000	13	
Camaro	2003	212	MM321	Yenko Slot Car - Burgundy	7/11/2000	8	
Camaro	2003	212	MM311	Yenko Slot Car - Orange	11/28/2000	21	
Camaro	2003	212	MM313	Yenko Slot Car - Green	11/17/2000	13	
Camaro	2003	212	MM314	Yenko Slot Car - Lime	12/17/2003	3	
Camaro	2003	212	MM308	Yenko Slot Car - Blue	5/16/2000	29	
Camaro	2003	212	MM332	Yenko Slot Car - Yellow	1/11/2001	5	
Camaro	2003	212	MM408	Yenko Slot Car - Blue	5/26/2000	11	
Camaro	2003	212	MM421	Yenko Slot Car - Burgundy/Blk	1/29/2001	5	
Camaro	2003	212	MM413	Yenko Slot Car - Green/Blk	11/17/2000	6	
Camaro	2003	212	MM414	Yenko Slot Car - Lime/Blk	4/20/2004	3	
Camaro	2003	212	MM411	Yenko Slot Car - Orange/Blk	12/8/2000	17	
Camaro	2003	212	MM402	Yenko Slot Car - Red/Blk	5/12/2000	15	
Camaro	2003	280	CD6906	Yenko Tech Spec CD-ROM	5/30/2003	6	
Camaro	2003	447	K1967	67 Yenko Camaro Hood	1/17/2006	86	
Camaro	2005	261	C119	Yenko "427" Fender Emblem	6/25/2004	1284	
Camaro	2008	230	3215	Yenko Legends T-Shirt	12/10/2007	76	
Camaro	2008	230	3216	Yenko Burnout T-Shirt	11/30/2007	45	
Camaro	2008	230	3217	Yenko 427 T-Shirt	10/29/2007	63	
Camaro	2008	230	3226	Yenko Dream Machine	12/4/2007	112	
Camaro	2008	231	TS425	Yenko SYC T-Shirt	9/27/2007	96	
Camaro	2008	231	3218	Yenko Distressed T-Shirt Wht	11/19/2007	23	
Camaro	2008	231	3219	Yenko Distressed T-Shirt Blk	12/19/2007	38	
Camaro	2008	231	3220	Yenko Distressed T-Shirt Blk/T	11/20/2007	38	
Camaro	2008	231	3221	Yenko Distressed T-Shirt Brn	12/13/2007	16	
Camaro	2008	231	3222	Yenko Distressed T-Shirt Tan	11/20/2007	8	
Camaro	2008	231	3223	Yenko Distressed T-Shirt Grn	12/11/2007	9	
Camaro	2008	231	3224	Yenko Distressed T-Shirt Gray	9/27/2007	24	
Camaro	2008	231	3225	Yenko Distressed T-Shirt Red	12/12/2007	8	
Camaro	2008	231	3229	Yenko Flames T-Shirt	11/21/2007	31	
Camaro	2008	231	3228	Yenko Tribal T-Shirt	12/17/2007	38	
Camaro	2008	231	3231	Yenko Power T-Shirt	11/12/2007	41	
Camaro	2008	231	3230	Yenko Classic T-Shirt	11/15/2007	75	
Camaro	2008	231	3227	Yenko Logo T-Shirt	11/13/2007	42	
Camaro	2008	231	3232	Yenko Crush T-Shirt	10/29/2007	65	
Camaro	2008	253	YF1966	Yenko License Frame 1966	12/20/2007	21	
Camaro	2008	253	YF1967	Yenko License Frame 1967	11/27/2007	26	

Yenko Usage 1984-2011

Camaro	2008	253	YF1968	Yenko License Frame 1968	12/20/2007	24	
Camaro	2008	253	YF1969	Yenko License Frame 1969	12/20/2007	69	
Camaro	2008	253	YF1970	Yenko License Frame 1970	11/12/2007	54	
Camaro	2008	261	YG13	Yenko Chardonnay Tumbler	n/a	0	
Camaro	2008	261	YG18	Yenko 25 oz. Mug	12/7/2007	23	
Camaro	2008	261	YG12	Yenko Wine Stemware	11/15/2007	7	
Camaro	2008	261	YG14	Yenko Pint Glass	11/15/2007	23	
Camaro	2008	298	K677	67-68 427 Emblem Tape-on	4/27/2009	213	
Camaro	2008	757	YC105	Yenko Rally II Wheel Cap	10/6/2008	114	
Camaro	2008	757	YC106	Yenko Wheel Ornament Decal	12/7/2007	310	
Camaro	2010	49	122021	Yenko Camaro Die Cast 1:24	6/23/2008	8	
Camaro	2010	49	YN1001	Yenko Portable Tool Box	5/20/2010	7	
Camaro	2010	302	SK302	69 Yenko SYC Headrest Decals	9/18/2007	32	
Camaro	2010	319	L976	The Yenko Era Book	7/2/2010	50	
Camaro	2010	722	YVC2001	Yenko SB Valve Covers Polished	n/a	0	
Camaro	2010	722	YVC2002	Yenko SB Valve Covers Black	n/a	0	
Camaro	2010	722	YVC2003	Yenko SB Valve Covers Orange	6/30/2008	1	
Camaro	2010	722	YVC1001	Yenko BB Valve Covers Polished	11/29/2007	15	
Camaro	2010	722	YVC1002	Yenko BB Valve Covers Black	11/20/2007	12	
Camaro	2010	722	YVC1003	Yenko BB Valve Covers Orange	8/13/2009	6	
Camaro	2010	722	YVC9002	Yenko Tall Valve Covers Black	11/4/2008	8	
Camaro	2010	722	YVC9003	Yenko Tall Valve Covers Orange	9/15/2009	3	
Camaro	2010	722	YVC1004	Yenko BB Valve Covers Polished	n/a	0	
Camaro	2010	722	YVC1005	Yenko BB Valve Covers Black	n/a	0	
Camaro	2010	722	YVC1006	Yenko BB Valve Covers Orange	n/a	0	
Camaro	2010	722	YVC1007	Yenko BB Valve Covers Natural	4/3/2010	1	
Camaro	2010	722	YVC1008	Yenko BB Valve Covers Natural	10/13/2009	1	
Camaro	2010	722	YVC7002	Yenko BB Valve Covers Blk	8/23/2008	2	
Camaro	2010	722	YVC7003	Yenko BB Valve Covers Orange	11/20/2008	5	
Camaro	2010	722	YVC7004	Yenko BB Valve Covers Natural	n/a	0	